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EXAMINER

NGUYEN, CAMTU TRAN

ART UNIT	PAPER NUMBER
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3772

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

DETAILED ACTION

Response to Amendment

The reply filed on 3/8/07 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s): The amendment filed, Applicant amended independent claims 1 & 2 and canceled claims 3-6 (see page 3 of amendment, which is listed as page 18 of 39). Then Applicant appears to attempt to amend claims 3 & 4 in what appears to be dependent claim form (see page 8 of amendment, which is listed as page 23 or 39). It is unclear to the examiner if Applicant would like to cancel claims 3 & 4 or amend them. If Applicant would like to cancel the claims, no amendment as presented on page 3 is necessary. If Applicant's intent was to amend claims 3 & 4 as shown on page 8 correction should be made to the statement of the claims rejected. With regards to the drawings listed on amended page 15 of 39, applicant indicated Figure 3C was removed and then defines Figure 3C having borders and depicting loop defense strands simulating hair, it is unclear how to interpret Figure 3C. With regards to Figure 2B, its description is embedded with Figure 1A. Furthermore, Figure 2B describes the elastic band but the Figure 2B does not illustrates this feature.

Applicant does not appear to be familiar with the patent practice, namely submission of amended claims. Please see guidance below (*Presentation and Amendment of Claims in Patent Practice*).

See 37 CFR 1.111. Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid

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abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

Presentation and Amendment of Claims in Patent Practice

Applicant is advised of the proper presentation and construction of claims. As set forth in MPEP 608.01(m), there is a general Office practice as to the form and presentation of claims in an application.

The claim or claims must commence on a separate physical sheet or electronic page and should appear after the detailed description of the invention. Any sheet including a claim or portion of a claim may not contain any other parts of the application or other material.

While there is no set statutory form for claims, the present Office practice is to insist that each claim must be the object of a sentence starting with "I (or we) claim," "The invention claimed is" (or the equivalent). If, at the time of allowance, the quoted terminology is not present, it is inserted by the Office of Patent Publication.

Each claim begins with a capital letter and ends with a period. Periods may not be used elsewhere in the claims except for abbreviations. See *Fressola v. Manbeck*, 36 USPQ2d 1211 (D.D.C. 1995).

Where a claim sets forth a plurality of elements or steps, each element or step of the claim should be separated by a line indentation, 37 CFR 1.75(i). There may be plural indentations to further segregate subcombinations or related steps.

Reference characters corresponding to elements recited in the detailed description and the drawings may be used in conjunction with the recitation of the same element or group of elements in the claims. The reference characters, however, should be enclosed within parentheses so as to avoid confusion with other numbers or characters that may appear in the claims. The use of reference characters is to be considered as having no effect on the scope of the claims.

Claims should preferably be arranged in order of scope so that the first claim presented is the least restrictive. All dependent claims should be grouped together with the claim or claims to which they refer to the extent practicable. Where separate species are claimed, the claims of like

species should be grouped together where possible. Similarly, product and process claims should be separately grouped. Such arrangements are for the purpose of facilitating classification and examination. The form of claim required in 37 CFR 1.75(e) is particularly adapted for the description of improvement-type inventions. It is to be considered a combination claim. The preamble of this form of claim is considered to positively and clearly include all the elements or steps recited therein as a part of the claimed combination. See MPEP 608.01(m).

A series of singular dependent claims is permissible in which a dependent claim refers to a preceding claim which, in turn, refers to another preceding claim.

A claim that depends from a dependent claim should not be separated by any claim that does not also depend from said dependent claim. It should be kept in mind that a dependent claim may refer to any preceding independent claim. In general, applicant's sequence will not be changed. See MPEP § 608.01(n).

The apparent dependent claims as presented (claims 3 & 4) do not properly refer back to the independent claim, claim 1 or 2, since they do not refer back to the claimed "modified men's brief" first set forth as the invention in claim 1 or 2. For example, in claim 3, applicant appears to further define the receptacle rim. A proper dependent claim is represented below:

Claim Z. A modified men's brief according to claim 1, wherein receptacle rim has stitching work that is attached and held together on the body of the modified men's brief.

Please note: This claim is not a detailed claim of applicant's invention, but merely an example of accepted claim construction.

Please refer to the claims in the patents cited with the previous office action for further examples of proper dependent claim construction.

A series of singular dependent claims is permissible in which a dependent claim refers to a preceding claim which, in turn, refers to another preceding claim.

A claim that depends from a dependent claim should not be separated by any claim that does not also depend from said dependent claim. It should be kept in mind that a dependent claim may refer to any preceding independent claim. In general, applicant's sequence will not be changed. See MPEP § 608.01(n).

Also, if Applicant is attempting to present either claim 3 or 4 as a multiple dependent claim, they are not in proper form. Applicant has attempted to present a series of dependent claims in the form of multiple dependent claims. A multiple dependent claim is any dependent claim that refers to more than one other claim and the claim must refer to such other claims in the **alternative only**. Further, a multiple dependent claim **shall not** serve as a basis for any other multiple dependent claim. See MPEP § 608.01(n) & See 37 CFR 1.75(c).

Below are examples of acceptable wording for proper multiple dependent claims:

(Assume each claim example given below is from a different application.)

Claim 5. A gadget according to claims 3 or 4, further comprising ---

Claim 5. A gadget as in any one of the preceding claims, in which ---

Claim 5. A gadget as in any one of claims 1, 2, and 3, in which ---

Claim 3. A gadget as in either claim 1 or claim 2, further comprising ---

Claim 4. A gadget as in claim 2 or 3, further comprising ---

Claim 16. A gadget as in claims 1, 7, 12, or 15, further comprising ---

Claim 5. A gadget as in any of the preceding claims, in which ---

Claim 8. A gadget as in one of claims 4-7, in which ---

Claim 5. A gadget as in any preceding claim, in which ---

Conclusion

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Camtu T. Nguyen whose telephone number is 571-272-4799.

The examiner can normally be reached on (M-F) 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patricia Bianco can be reached on 571-272-4940. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Camtu Nguyen
May 1, 2007

Patricia Bianco
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5/1/07